

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

JUI LUNG KAO,

Plaintiff,

v.

PNC BANK,

Defendant.

v.

CHENZHANG CHEN,

Third Party Defendant.

Civil Action No.: 1:25-cv-03228-ENV-JRC

**ANSWER TO THIRD PARTY COMPLAINT**

**ANSWER**

The above-named Third Party Defendant, Chenzhang Chen (“Chen” or “Third Party Defendant”) by and through their counsel, Alexander Schachtel Esq., hereby says by way of Answer to PNC Bank’s Third Party Complaint, the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied that ancillary jurisdiction exists over third party Defendant.
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted to the extent that Chen believed the check to be “lost or destroyed” and requested the issuance of a replacement check, however, Defendant Chen does not recall executing the referenced agreement but leaves the Plaintiff to its proofs.

10. Defendant Chen does not recall executing the referenced agreement but leaves the Plaintiff to its proofs.

11. Admitted.

12. Denied.

13. Denied.

14. Defendant Chen lacks personal knowledge of the facts alleged in this paragraph.

15. Admitted.

**COUNT ONE**  
**Confession of Judgment**

16. This is not a factual allegation.

17. Defendant Chen denies liability under the indemnification agreement.

18. Denied.

19. Denied.

**COUNT TWO**  
**Indemnification**

20. This is not a factual allegation.

21. Defendant Chen denies liability under the indemnification agreement.

**WHEREFORE**, Defendant demands dismissal of all counts set forth in the Third Party Complaint, with prejudice, and with costs, expenses and counsel fees awarded.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

The Complaint fails to state a claim and/or cause of action upon which relief can be Granted.

**SECOND SEPARATE DEFENSE**

Any and all injuries and damages allegedly sustained by Plaintiff were not foreseeable consequence of any acts or omissions of Defendant.

**THIRD SEPARATE DEFENSE**

Defendant did not breach any contractual duty or statutory duties owed to Plaintiff or undertake any intentional act with the intent to cause harm to Plaintiff.

**FOURTH SEPARATE DEFENSE**

At all relevant times, Defendant complied with all applicable laws.

**FIFTH SEPARATE DEFENSE**

No acts or omissions of Defendant were the proximate cause of any damages allegedly sustained by Plaintiff.

**SIXTH SEPARATE DEFENSE**

To the extent that the cause of action seeks damages for which payment was received or may be received from collateral sources, such damages are barred by the Collateral Source Rule.

**SEVENTH SEPARATE DEFENSE**

Defendant Chen is not subject to jurisdiction in this forum.

**EIGHTH SEPARATE DEFENSE**

Plaintiff's claims are subject to setoff and recoupment by the value of monetary damages and other losses sustained by Defendant which arise from Plaintiff's negligence, faulty service, and Plaintiff's own contract violations.

DATED: November 24, 2025

By: /s/ Alexander Schachtel  
Alexander Schachtel, Esq.  
Law Office of Alexander Schachtel LLC  
101 Hudson Street, Ste. 2109  
Jersey City, New Jersey 07302  
(p) 201-925-0660  
(e) [xschachtel@gmail.com](mailto:xschachtel@gmail.com)